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ON THE LAW OF THE SEA

SPLOS

MEETING OF
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PROVISIONAL RULES OF PROCEDURE

(Prepared by the Secretariat)

Explanatory note

The Meeting of States Parties to the Convention, convened ad hoc on 21 and 22 November 1994 in accordance with article 319, paragraph 2 (e), of the 1982 United Nations Convention on the Law of the Sea and in accordance with the recommendations of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea at its final session (LOS/PCN/L.115/Rev.1, para. 43), had before it the Provisional Rules of Procedure (SPLOS/2) presented by the Secretariat. The Meeting of States Parties decided to amend specific rules, in particular those relating to observers (rule 14), election of officers (rule 22) and general agreement (rule 61), and adopted the same with consequential changes to be made to rules 27 to 31. The Meeting of States Parties also decided to provisionally apply the Rules of Procedure (SPLOS/2).

The Meeting of States Parties further decided that the Draft Rules of Procedure presented by the Secretariat should be broadened and revised to serve for all Meetings of States Parties to the Convention. Consistent with that decision, the present draft text is a revision of the Provisional Rules contained in document SPLOS/2.

The present draft text draws on the same precedent as the previous text, viz. the rules of procedure of the Third United Nations Conference on the Law of the Sea (A/CONF.62/30/Rev.3); those of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (LOS/PCN/28 and Corr.1); the provisional rules of procedure of the General Assembly prepared by the Preparatory Commission (PC/20); the rules of procedure of the General Assembly of the United Nations (A/520/Rev.14); and the draft standard rules of procedure for United Nations Conferences (A/40/611 and Add.1).

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PROVISIONAL RULES OF PROCEDURE

I. MEETINGS

Rule 1

Use of terms

For the purposes of these rules:

"Convention" means the 1982 United Nations Convention on the Law of the Sea;

"States Parties" means Parties to the 1982 United Nations Convention on the Law of the Sea;

"President" means the President of the Meeting of States Parties elected in accordance with rule 22 of the present rules;

"Secretary-General" means the Secretary-General of the United Nations;

"International Tribunal" means the International Tribunal for the Law of the Sea constituted in accordance with the provisions of the Convention;

"Registrar" means the Registrar of the International Tribunal for the Law of the Sea;

"Commission" means the Commission on the Limits of the Continental Shelf established in accordance with the provisions of the Convention;

"Secretariat" means the Secretariat of the United Nations. 1/

Rule 2

Purposes

These rules of procedure shall apply to any Meeting of States Parties convened in accordance with the relevant provisions of the Convention or the provisions of the present rules.

1/ It is understood that the United Nations Secretariat will be providing services to Meetings of States Parties in accordance with the relevant General Assembly resolutions.

Rule 3

Meetings of States Parties

1. Meetings of States Parties shall be convened in accordance with the relevant provisions of the Convention. The Secretary-General shall convene Meetings of States Parties in accordance with article 319, paragraph 2(e), of the Convention.

2. Meetings may also be convened periodically, or as may be required for any other purpose at such time and for such duration as the States Parties decide.

3. Meetings shall be convened periodically for the election of the Members of the International Tribunal in accordance with the provisions of annex VI, article 4, of the Convention and the present rules, and within three years of the first election and every three years thereafter for the election of Members of the International Tribunal.

4. Meetings shall be convened periodically for the election of the members of the Commission in accordance with the provisions of annex II, article 2, of the Convention and the present rules, and within five years of the first election of the members of the Commission and every five years thereafter for the election of such members.

Rule 4

Notification

1. The Secretary-General shall notify all States Parties of the dates and venue of the meetings at least ninety days in advance of the meeting.

2. Copies of the notice convening each meeting of States Parties shall be addressed by the Secretariat to observers referred to in rule 14.

Rule 5

Special Meetings of States Parties

A Special Meeting of States Parties shall be convened:

(a) Within ninety days of the receipt by the Secretary-General of a request for such a Meeting by a majority of the States Parties;

(b) Within ninety days of the receipt by the Secretary-General of a request of the President of the International Tribunal submitted in consultation with the Members of the International Tribunal and States Parties;

(c) On the date of the election fixed by the President of the International Tribunal after consultation with the States Parties in accordance

with annex VI, article 6, paragraph 1, of the Convention following the occurrence of a vacancy in the membership of the International Tribunal;

(d) On the date of the election to fill a vacancy in the membership of the Commission, fixed by the Secretary-General, after consultation with the States Parties.

II. AGENDA

Rule 6

Provisional agenda

1. The Secretary-General shall prepare, in agreement with the President, the provisional agenda for each Meeting.

2. The provisional agenda for each Meeting shall be communicated by the Secretariat to the States Parties and to observers at least sixty days before the opening of the meeting, together with any supporting documents, if necessary.

3. The provisional agenda for the Meeting shall include:

(a) Items, the inclusion of which have been decided at a previous Meeting;

(b) Any item proposed by a State Party and received by the Secretariat before the provisional agenda is circulated;

(c) All items which the Secretary-General deems necessary to put before the Meeting;

(d) Items relating to the organization of the Meeting of States Parties, when so required, including matters pertaining to the budgetary aspects;

(e) Elections to fill vacancies in the membership of the International Tribunal or of the Commission, when the Meeting is also convened for this purpose;

(f) Any item proposed by the President of the International Tribunal and a majority of Members of the International Tribunal;

(g) All items which the Registrar deems necessary to put before the Meeting;

(h) Items relating to the organization of the International Tribunal, when so required, including:

(i) A report of the Registrar on the work of the International Tribunal;

(ii) Matters pertaining to the budget for the current or next financial period and the report on the accounts for the previous financial period.

Rule 7

Provisional agenda for a Special Meeting

The provisional agenda for a Special Meeting shall consist only of those items proposed for consideration in the request for the holding of the Meeting.

Rule 8

Supplementary items

Any State Party, the Secretary-General in consultation with States Parties, or the Registrar, may, at least thirty days before the date fixed for the opening of a Meeting, request the inclusion of supplementary items in the agenda. Such items shall be placed in a supplementary list, which shall be communicated to the States Parties and to observers at least twenty days before the opening of the Meeting.

Rule 9

Additional items

Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of the Meeting or during a Meeting, may be placed on the agenda if the States Parties so decide by a majority of the States Parties present and voting.

Rule 10

Adoption of the agenda

At each Meeting, the provisional agenda and any supplementary list, together with the report of the Bureau thereon, shall be submitted to the Meeting of States Parties for approval as soon as possible after the opening of the Meeting.

Rule 11

Amendment and deletion of items

Items on the agenda may be amended or deleted by a majority of the States Parties present and voting.

Rule 12

Modifications of the allocation of expenses

No proposal for a modification of the allocation of expenses of the International Tribunal for the time being in force shall be placed on the agenda unless it has been communicated to the States Parties at least sixty days before the opening of the Meeting.

III. PARTICIPATION

Rule 13

States Parties

Meetings of States Parties are open to States Parties to the 1982 United Nations Convention on the Law of the Sea, as defined in article 1, paragraph 2, of the Convention.

Rule 14

Observers

1. Observers referred to in article 319, paragraph 3 (b), of the Convention may participate as observers in Meetings of States Parties. 2/

2. The following may participate as observers in the Meetings in accordance with the decision of the Meeting of States Parties:

(a) States that have signed the Convention;

(b) International organizations referred to in annex IX to the Convention;

(c) Entities referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e), of the Convention;

(d) Observers referred to in rule 2 of the Rules of Procedure of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea;

2/ Article 319, paragraph 3 (b), of the Convention provides for the participation of observers, by a reference to article 156, paragraph 3. That article provides that: "Observers at the Third United Nations Conference on the Law of the Sea who have signed the Final Act and who are not referred to in article 305, paragraph 1 (c), (d), (e) or (f), shall have the right to participate in the Authority as observers, in accordance with its rules, regulations and procedures."

(e) The specialized agencies of the United Nations system, the International Atomic Energy Agency and other intergovernmental organizations invited to the Meeting;

(f) Non-governmental organizations recognized by the Economic and Social Council whose fields of competence are relevant to the law of the sea that were invited to and participated in the Third United Nations Conference on the Law of the Sea, upon request and with the approval of the Meeting of States Parties in each case.

3. Representatives of observers referred to in paragraph 1 and paragraph 2 (a) to (d), of this rule may participate, subject to the provisions of these rules, in the deliberations of the Meeting but shall not be entitled to participate in the taking of decisions.

4. Written statements submitted by observers shall be distributed to the Meeting of States Parties by the Secretariat.

5. Observers referred to in paragraph 2 (e) and (f) of this rule may designate representatives to sit at public meetings of the Meetings of States Parties and, upon invitation by the President and subject to the approval by the Meeting, may make oral statements and submit written statements on questions within the scope of their activities.

IV. REPRESENTATION AND CREDENTIALS

Rule 15

Representation

1. Each State Party shall be represented by accredited representatives and such alternate representatives and advisers as may be required.

2. Observers shall be represented by accredited or designated representatives, as the case may be, and by such alternate representatives and advisers as may be required.

Rule 16

Alternates and advisers

The representative may designate an alternate representative or an adviser to act in his capacity.

Rule 17

Submission of credentials

1. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretariat, if possible not later than 24 hours after the opening of the Meeting. Any changes in the composition of the delegations should also be submitted to the Secretariat.

2. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or other authority responsible for foreign affairs.

Rule 18

Credentials Committee

A Credentials Committee shall be appointed to serve for all Meetings. It shall consist of nine States Parties, which shall be appointed by the Meeting of States Parties on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report to the Meeting of States Parties without delay.

Rule 19

Provisional participation

Pending a decision of the Meeting of States Parties upon their credentials, representatives shall be entitled to participate provisionally in the Meeting.

Rule 20

Objection to a delegation

If an objection is raised against the representation of a delegation, such objection shall be considered by the Credentials Committee forthwith. The report thereon shall be submitted to the Meeting of States Parties without delay for its decision.

Rule 21

Accreditation of observers

The names of accredited or designated representatives of observers shall be submitted to the Secretariat.

V. OFFICERS

Rule 22

Election of officers

The Meeting of States Parties shall elect from among the representatives of States Parties participating in the Meeting the following officers: a President and four Vice-Presidents, one from each region, excluding the region of the President. Their terms of office shall be decided by the Meeting.

Rule 23

General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at plenary meetings, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules of procedure, have complete control over the proceedings and over the maintenance of order thereat. The President may propose to the Meeting of States Parties the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate, and the suspension or the adjournment of the meeting.

2. The President, in the exercise of his functions, remains under the authority of the Meeting of States Parties.

Rule 24

Acting President

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 25

Replacement of the President

If the President is unable to perform his functions, a new President shall be elected.

Rule 26

Voting rights of the President

The President, or a Vice-President acting as President, shall not vote but shall designate another member of his delegation to vote in his place.

VI. BUREAU

Rule 27

Composition

The Bureau shall comprise the President, who shall preside, and the Vice-Presidents. The Chairmen of any subsidiary bodies as may be established by the Meeting of States Parties shall be entitled to attend meetings of the Bureau and may participate without vote in the discussions.

Rule 28

Substitute members

If a Vice-President finds it necessary to be absent during a meeting of the Bureau, he may designate a member of his delegation to take his place in the Bureau.

Rule 29

Functions

1. The Bureau shall, at the beginning of each Meeting of States Parties, consider the provisional agenda together with the supplementary list, and shall make recommendations to the Meeting of States Parties, with regard to each item proposed, concerning its inclusion in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future Meeting. It shall, in the same manner, examine requests for the inclusion of additional items in the agenda and shall make recommendations thereon to the Meeting of States Parties. In considering matters relating to the agenda of the Meeting, the Bureau shall not discuss the substance of any item except in so far as this bears upon the question whether the Bureau should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future Meeting, and what priority should be accorded to an item the inclusion of which has been recommended.

2. The Bureau shall assist the President and the Meeting of States Parties in drawing up the agenda for each plenary meeting, in determining the priority of its items and in coordinating the proceedings of any subsidiary bodies that are established. It shall assist the President in the general conduct of the work

of the Meeting of States Parties which falls within the competence of the President. It shall not, however, decide any question of substance.

Rule 30

Meetings of the Bureau

The Bureau shall meet periodically throughout each Meeting to review the progress of the Meeting, and any subsidiary bodies, as may be established, and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

Rule 31

Participation of States Parties requesting the inclusion of items in the agenda

A State Party which has no representative on the Bureau and which has requested the inclusion of an item in the agenda shall be entitled to attend any meeting of the Bureau at which its request is discussed and may participate in the discussion of that item.

VII. SECRETARIAT

Rule 32

Duties of the Secretary-General of the United Nations

1. The Secretary-General shall act at the Meetings of States Parties in his capacity as the Secretary-General of the United Nations. He may designate a member of the Secretariat to participate on his behalf.

2. The Secretary-General shall be responsible for making the arrangements related to the Meetings of States Parties and shall provide and direct the staff required by such Meetings and meetings of any subsidiary bodies as may be established.

Rule 33

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute documents, reports, resolutions and decisions of the Meeting of States Parties and any subsidiary bodies as may be established; interpret speeches made at meetings, prepare and circulate the records of the Meeting, have the custody and proper preservation of the documents in the archives of the United Nations or as appropriate in the archives of the International Tribunal, distribute all

documents of the Meeting to the States Parties and observer States; and generally, perform all other work which the Meeting of States Parties may require.

VIII. LANGUAGES

Rule 34

Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Meeting of States Parties and any subsidiary bodies as may be established.

Rule 35

Interpretation

1. Speeches made in a language of the Meeting of States Parties shall be interpreted into the other such languages.

2. Any representative may make a speech in a language other than a language of the Meeting of States Parties. In that case the representative shall provide for interpretation into one of the languages of the Meeting of States Parties. Interpretation into the other languages of the Meeting of States Parties by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 36

Languages of official documents

Official documents shall be published in the languages of the Meeting of States Parties.

IX. RECORDS

Rule 37

Sound recordings of meetings

The Secretariat shall make and keep sound recordings of meetings including meetings of subsidiary bodies when so decided.

X. PUBLIC AND PRIVATE MEETINGS

Rule 38

General principles

1. Meetings shall be held in public unless the Meeting of States Parties decides otherwise.

2. As a general rule, meetings of any subsidiary bodies, as may be established, shall be held in private.

3. All decisions of the Meeting of States Parties taken at a private meeting shall be announced at an early public meeting. At the close of a private meeting of any subsidiary body, the President may issue a communiqué through the Secretariat.

XI. CONDUCT OF BUSINESS

Rule 39

Quorum

1. The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States Parties, participating in the meeting, are present.

2. The presence of representatives of a majority of the States Parties so participating shall be required for any decision to be taken, provided that for a decision on any matter of substance the presence of representatives of two thirds of the States Parties so participating shall be required.

Rule 40

Speeches

No representative may address the Meeting of States Parties without having previously obtained the permission of the President. Subject to rules 41 and 44, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 41

Precedence

The Chairman of any subsidiary body that is established may be accorded precedence for the purpose of explaining the conclusions arrived at by that body.

Rule 42

Statement by the Secretariat

The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the Meeting of States Parties concerning any question under consideration by it.

Rule 43

Statement by the Registrar

The Registrar, or a member of the Registry designated by him as his representative, may at any time make either oral or written statements to the Meeting of States Parties concerning any question relating to the International Tribunal.

Rule 44

Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these rules of procedure. A representative of a State Party may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the States Parties present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 45

Time-limit on speeches

The Meeting of States Parties may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of States Parties may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his allotted time, the President shall call him to order without delay.

Rule 46

Closing of list of speakers and right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the Meeting of States Parties, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Rule 47

Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives of States Parties may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 48

Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives of States Parties opposing the closure, after which the motion shall be immediately put to the vote. If the Meeting of States Parties is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 49

Suspension or adjournment of the meeting

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 50

Order of procedural motions

Subject to rule 44, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting of States Parties:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 51

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to all delegations in the languages of the Meeting of States Parties not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 52

Decisions on competence

Subject to rule 50, any motion calling for a decision on the competence of the Meeting of States Parties to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 53

Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative of a State Party.

Rule 54

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless the Meeting of States Parties, by a two-thirds majority of the States Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives of States Parties opposing the motion, after which it shall be immediately put to the vote.

Rule 55

Consideration of financial or administrative implications

Before the Meeting of States Parties takes a decision or makes a recommendation the implication of which might have financial or administrative implications, it shall receive and consider a report from the Secretariat on such implications.

XII. DECISION-MAKING

Rule 56

Voting rights

Each State Party shall have one vote.

Rule 57

Participation of international organizations 3/

Notwithstanding rule 56, the participation of an international organization referred to in article 305, paragraph 1 (f), of the Convention, shall in no case entail an increase of the representation to which its member States which are States Parties would be entitled, including rights in decision-making.

Rule 58

General agreement

Except as otherwise provided in the Convention and, in particular, without prejudice to the provisions of articles 155 and 312 of the Convention, the following provisions shall apply for decision-making:

3/ Consistent with article 4, paragraph 4, of annex IX to the Convention.

(a) The Meeting of States Parties should conduct its work on the basis of general agreement;

(b) It may proceed to a vote in accordance with rule 59 only after all efforts at achieving general agreement have been exhausted;

(c) Decisions to be taken on the one-time deferment of the election of the Members of the International Tribunal in accordance with article 4, annex VI, to the Convention, shall be by consensus.

Rule 59

Decisions on questions of substance

Subject to rule 58, decisions on all matters of substance shall be taken by a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties, participating in the Meeting.

Rule 60

Decisions on questions of procedure

1. Except as otherwise provided in these rules, decisions on all matters of procedure shall be taken by a simple majority of the States Parties present and voting.

2. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

Rule 61

Decisions on amendments to proposals relating to questions of substance

Decisions of the Meeting of States Parties on amendments to proposals relating to questions of substance, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties, participating in the Meeting.

Rule 62

Meaning of the phrase "States Parties present and voting" and of the term "States Parties participating in the Meeting"

1. For the purposes of these rules, the phrase "States Parties present and voting" means States Parties present and casting an affirmative or negative vote; States Parties who abstain from voting shall be considered as not voting.

2. Subject to the provisions of rules 15 to 20 and without prejudice to the powers and functions of the Bureau, the term "States Parties participating in the Meeting" in relation to any particular Meeting means any State Party whose representatives have registered with the Secretariat as participating in that Meeting and which has not subsequently notified the Secretariat of its withdrawal from that Meeting or part of it. The Secretariat shall keep a register for this purpose.

Rule 63

Method of voting

1. The Meeting of States Parties shall, in the absence of mechanical means for voting, vote by show of hands or by standing, but a representative of any State Party may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States Parties participating in the Meeting, beginning with the State Party whose name is drawn by lot by the President. The name of each State Party shall be called in any roll-call, and one of its representatives shall reply "yes", "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the States Parties.

2. When the Meeting of States Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of a State Party may request a recorded vote. In the case of a recorded vote, the Meeting of States Parties shall, unless a representative of a State Party requests otherwise, dispense with the procedure of calling out the names of the States Parties; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 64

Conduct during voting

After the President has announced the commencement of voting, no representative of a State Party may interrupt the voting, except that representatives of States Parties may interrupt on a point of order in connection with the actual conduct of the voting.

Rule 65

Explanation of vote

Representatives of States Parties may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements. The representative of a State Party sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 66

Division of proposals and amendments

A representative of a State Party may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 67

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Meeting shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 68

Order of voting on proposals

If two or more proposals relate to the same question, the Meeting of States Parties shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 69

Elections

All elections of officials of the Meeting of States Parties shall be held by secret ballot unless otherwise decided by the Meeting of States Parties.

Rule 70

Restricted balloting for one elective place

1. When one person or one State Party is to be elected and no candidate obtains in the first ballot the votes of a majority of the States Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Rule 71

Restricted balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a majority is less than the number of persons or States Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or State Party. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 72

Equally divided votes

If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which shall be held within forty-eight hours of the first vote; and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XIII. SUBSIDIARY BODIES

Rule 73

Establishment

1. The Meeting of States Parties may establish such subsidiary bodies as it deems necessary for the exercise of its functions.

2. The composition and competence of each subsidiary body will be determined by the Meeting of States Parties.

Rule 74

Rules of procedure of subsidiary bodies

Unless otherwise decided by the Meeting of States Parties, these rules apply, mutatis mutandis, to the proceedings of subsidiary bodies, except that:

(a) The Chairman of a subsidiary body may exercise the right to vote;

(b) The presence of representatives of a majority of the members of any subsidiary body shall be required for any decision to be taken.

XIV. ELECTIONS TO THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Rule 75

Election of the Members of the International Tribunal

The elections of the Members of the International Tribunal shall take place in accordance with the Statute of the International Tribunal for the Law of the Sea contained in annex VI to the Convention and the present rules.

Rule 76

Majority for elections

The Members of the International Tribunal shall, in accordance with article 4, paragraph 4, of the Statute, be elected by a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

Rule 77

Eligibility for re-election 4/

The Members of the International Tribunal shall, in accordance with article 5 of the Statute, be elected for nine years and shall be eligible for re-election, provided, however, that of the Members elected at the first election, the terms of seven Members shall expire at the end of three years and the terms of seven more Members shall expire at the end of six years.

Rule 78

By-elections 5/

If the office of a Member of the International Tribunal becomes vacant, the Meeting of States Parties shall, in accordance with rule 75, elect a Member for the remainder of the predecessor's term.

XV. ELECTIONS TO THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Rule 79

Elections of the members of the Commission

The elections of members of the Commission shall take place in accordance with article 76 and annex II to the Convention and the present rules.

Rule 80

Majority for elections

The members of the Commission shall, in accordance with article 2 of annex II, be elected by two-thirds majority of the votes of the representatives

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4/ Consistent with article 5, paragraph 1, of annex VI.

5/ Consistent with article 6 of annex VI.

of States Parties present and voting. The members of the Commission shall be elected for a term of five years and shall be eligible for re-election.

Rule 81

By-elections

If the office of a member of the Commission becomes vacant, the Meeting of States Parties shall, in accordance with rule 79, elect a member for the remainder of the predecessor's term.

XVI. ADMINISTRATIVE AND BUDGETARY QUESTIONS RELATING TO THE INTERNATIONAL TRIBUNAL

Rule 82

Regulations for financial administration

The Meeting of States Parties shall establish regulations for the financial administration of the International Tribunal.

Rule 83

Proposed periodic budget

The Meeting of States Parties shall consider and approve the proposed periodic budget of the International Tribunal submitted by the Tribunal.

Rule 84

Contributions

The Meeting of States Parties shall, in accordance with article 19 of the Statute, decide on the terms and the manner in which States Parties and the International Seabed Authority shall contribute to the budget of the International Tribunal.

XVII. AMENDMENTS

Rule 85

Method of amendment

These rules of procedure may be amended by a decision of the Meeting of States Parties taken by a two-thirds majority of the States Parties present and voting, after the Bureau has reported on the proposed amendment.

XVIII. RELATIONSHIP WITH THE CONVENTION

Rule 86

Overriding Authority of the Convention

The Convention shall prevail over the provisions of these rules and of any amendment thereto.